UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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VIVIAN C. AMOS,

Plaintiff,

-against-

CHARLIE VENTINCINQUE, Individually and in his official capacity as an officer of the NEW YORK CITY POLICE DEPARTMENT, "JOHN" (true first name unknown) MAIETTA, Individually and in his official capacity as an officer of the NEW YORK CITY POLICE DEPARTMENT, and THE CITY OF NEW YORK,

Defendants.

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STIPULATION AND ORDER OF SETTLEMENT AND DISCONTINUANCE

08 CV 2184 (RRM)(JMA)

WHEREAS, plaintiff commenced this action by filing a complaint on or about May 29, 2008, alleging that defendants violated his constitutional rights; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. This above-referenced action is hereby dismissed with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum of **Twenty Five Thousand ($25,000.00) Dollars** in full satisfaction of all claims, inclusive of claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against the defendants, and to release the defendants and any present or former officials, employees, representatives and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged in this action, including claims for costs, expenses and attorney fees.

3. Plaintiffs shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No Liens.

4. Nothing contained herein shall be deemed to be an admission by the City of New York that it has in any manner or way violated plaintiffs' rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York
November 5, 2008

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James P. Harding, Esq. (~~SE~~)
JPH 1884

By: Meghan Cavalieri
Meghan A. Cavalieri (MC 6758)
Assistant Corporation Counsel

SO ORDERED:

s/RRM
______________________, 11/18/08
U.S.D.J.